

EXHIBIT 7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTINE ASIA CO., LTD., et al.,

Plaintiffs,

v.

JACK YUN MA, et al.,

Defendants.

No.: 1:15-md-02631 (CM) (SDA)

Related cases:

1:15-cv-00759-CM

1:15-cv-00811-CM

1:15-cv-00991-CM

1:15-cv-01405-CM

1:15-cv-05020-CM

1:15-cv-04991-CM

1:15-cv-05002-CM

**DECLARATION OF ROBERT K. KRY ON BEHALF OF MOLOLAMKEN LLP
IN SUPPORT OF LEAD COUNSEL'S MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

I, Robert K. Kry, declare as follows under 28 U.S.C. § 1746:

1. I am a partner of MoloLamken LLP (“MoloLamken”), which served as additional Plaintiffs’ Counsel in the above-captioned action (the “Action”). I submit this declaration in support of Lead Counsel’s application for an award of attorneys’ fees in connection with services rendered in the Action, as well as for reimbursement of litigation expenses incurred in connection with the Action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify thereto.

2. MoloLamken conducted work in the Action at the direction and under the supervision of Lead Counsel, The Rosen Law Firm, P.A., and in particular at the direction of the Rosen Law Firm’s managing partner, Laurence Rosen, both in connection with the appeal of this Court’s decision dismissing the Action and in connection with proceedings in this Court on remand. I was in regular contact and worked closely with Mr. Rosen in connection with the services provided by MoloLamken in the Action. As detailed in the Lodestar Chart below, and as determined on the basis explained below, I have calculated that MoloLamken’s total lodestar value for time spent working on the prosecution of the Action is **\$1,058,007.50**:

Lodestar Chart

TIMEKEEPER	TITLE	YEARS IN PRACTICE	HOURLY RATE	HOURS	TOTAL
ATTORNEYS					
Robert Kry	Partner	17	\$950	604.6	\$574,370.00
Steven Molo	Partner	37	\$1,350	95.4	\$128,790.00
Sarah Newman	Associate	6	\$675	255.0	\$172,125.00
Caleb Hayes-Deats	Associate	8	\$675	270.7	\$182,722.50
TOTAL LODESTAR				1,225.7	\$1,058, 007.50

3. The Lodestar Chart above sets forth the amount of time MoloLamken attorneys billed in the Action through and including August 30, 2019. The lodestar calculation is based on each individual's current standard hourly billing rate for those engagements opened this year in which the client and MoloLamken agree on an hourly fee arrangement.

4. The Lodestar Chart was prepared from contemporaneous daily time records regularly prepared and maintained by MoloLamken. Any attorney or professional staff member who devoted fewer than 50 hours of time to the Action has been excluded from the Lodestar Chart. In addition, time expended on the application for an award of attorneys' fees and reimbursement of expenses has not been included in the Lodestar Chart. Finally, the above lodestar figures do not include charges for the expense items listed below. Those expenses are billed separately and such charges are not duplicated in MoloLamken's billing rates.

5. As detailed in the Expense Chart below, MoloLamken is seeking reimbursement of a total of **\$53,603.28** in expenses reasonably and necessarily incurred in connection with prosecution of the Action:

Expense Chart


ITEM	AMOUNT
Travel – Airfare	\$18,351.91
Travel – Hotels	\$22,818.74
Travel – Meals	\$1,814.53
Travel – Trains/Taxi	\$3,789.40
Brief/Appendix Printing	\$3,186.10
Reporting/Transcription	\$3,642.60
TOTAL EXPENSES	\$53,603.28

6. The foregoing litigation expenses incurred in the Action are reflected on the books and records of my firm. Those books and records are prepared from receipts, invoices, and other source materials, and to the best of my knowledge are an accurate record of the expenses actually incurred and paid out-of-pocket by MoloLamken.

7. Attached hereto as **Exhibit A** is a firm resume for MoloLamken and its attorneys who were involved in the Action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 9, 2019
Washington, D.C.



Robert K. Kry

EXHIBIT A

Who We Are

MoloLamken is a law firm focused exclusively on representing clients in complex disputes. We handle civil, criminal, and regulatory matters, as well as appeals, across the United States. Our clients span the globe. We are involved in some of the most significant disputes of the day.

Our founding partners, **Steven Molo** and **Jeffrey Lamken**, developed national reputations based on their courtroom successes while partners at large full-service firms where they held leadership positions. With an abiding belief that complex disputes are most effectively handled by smaller teams comprised of smart, highly experienced lawyers focused on results rather than process, they formed the firm.

We provide experienced advocacy – for claimants as well as defendants – before judges, juries, arbitral forums, and courts of appeals, including the Supreme Court of the United States. We also represent clients in regulatory and criminal investigations and conduct internal investigations.

"Brilliant lawyers with courtroom savvy and the best brief writing teams you can find."

Benchmark Litigation

Appeals

Our experience in appellate matters ranges from cases before intermediate state appellate courts to those before the Supreme Court of the United States.

We handle both civil and criminal appeals and our lawyers have been involved in obtaining appellate victories where the stakes have included civil disputes worth more than \$ 1 billion, the liberty of an individual, the ongoing operation of a corporation, and the constitutionality of an important law.

We may be asked to work with trial counsel or co-counsel with another firm on an appeal. Or we may be asked to handle an appeal on our own. We are fine with either approach.

Often, clients that have experienced an unfavorable result in a trial court will seek advice and new representation at the post-trial motion stage and we are prepared to wade into a matter at that point as well. Often it is most useful to engage us then as it can provide an opportunity to shape issues that may be important to an appeal.

Our appellate lawyers work closely with our trial lawyers during the course of matters while they are in the trial court and provide the team with an extraordinary resource in terms of briefing issues quickly and thoroughly. This can be a particular advantage in the course of complex trials.

When not counsel of record for a party, our lawyers have been called upon to write amicus curiae briefs for a number of organizations on important issues in various courts, and in that role sometimes are asked to "moot" a lawyer who may be arguing the side our client supports.

Based on experience our lawyers have had with the Supreme Court of the United States – both in the role of advocate and in the role of judicial clerk – we can provide valuable insights in seeking or opposing review by the Court and in advocacy before the Office of Solicitor General, whose views may be sought as the Court decides whether to take a case.



Complex Civil Litigation

We handle complex civil matters in federal and state courts.

Our civil experience is broad and encompasses most types of sophisticated litigation. Cases our lawyers have handled have included antitrust, consumer fraud, breach of contract, accounting, securities fraud, shareholder and investor rights, bankruptcy, class actions, insurance, mergers and acquisitions, business torts, executive compensation, partnership disputes, oil and gas, telecommunications, commodities, civil rights, real estate, lender liability, product liability, toxic torts, defamation, trade secrets, patent, trademark, copyright, professional liability, RICO, and most other significant commercial issues.

We represent both plaintiffs and defendants. On the plaintiffs' side, we have had wins valued at more than \$2 billion in the past three years.

In addition to handling disputes between private parties, we have experience in representing private plaintiffs in challenging laws or government regulations.

We handle matters from the time of the filing of a complaint through a verdict. However, our lawyers also have been retained as co-counsel or substitute counsel well into a matter where a client has come to realize that additional or different representation is needed.

We have extensive experience in working with jury consultants to help test themes and develop issues. We use the latest case management technology and trial presentation tools to distill complex information and communicate clearly — whether to a judge, a jury, or the opposing side as they consider whether to settle on our terms.



Robert K. Kry

Robert Kry's practice focuses on trial and appellate litigation. He represents clients before the United States Supreme Court, the federal courts of appeals, and other federal and state courts. He has authored more than 40 Supreme Court briefs and has argued numerous matters in trial and appellate courts. His practice covers a broad array of subject matters, including sovereign immunity, arbitration, enforcement of arbitral awards, constitutional law, business litigation, securities fraud, criminal law, and intellectual property.

Mr. Kry is a founding partner of Mololamken, which he joined after several years in the Supreme Court and appeals practice of another prominent firm. Before that, Mr. Kry served as a law clerk to Justice Antonin Scalia of the United States Supreme Court and to Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit.

Representative Matters

- Obtained enforcement of an ICSID arbitral award against the Kyrgyz Republic for a Turkish construction company (*Sistem Mühendislik İnşaat Sanayi Ve Ticaret, A.Ş. v. Kyrgyz Republic*, 741 F. App'x 832 (2d Cir. 2018))
- Obtained enforcement of a Permanent Court of Arbitration award against the Republic of Ghana for an English energy company (*Balkan Energy Ltd. v. Republic of Ghana*, 302 F. Supp. 3d 144 (D.D.C. 2018))
- Represented a foreign sovereign in a Supreme Court case over the seizure of ancient Persian artifacts from museums to satisfy default judgments (*Rubin v. Islamic Republic of Iran*, 138 S. Ct. 816 (2018))
- Obtained reversal of a judgment dismissing securities fraud claims against Alibaba Group arising out of its IPO (*Christine Asia Co. v. Ma*, 718 F. App'x 20 (2d Cir. 2017))
- Overturned a judgment enforcing a foreign investor's arbitral award against the Lao Government (*Thai-Lao Lignite (Thailand) Co. v. Gov't of the Lao People's Democratic Republic*, 864 F.3d 172 (2d Cir. 2017))
- Represented a global pharmaceutical company in a fraud suit over a \$2.3 billion corporate acquisition in Mexico (*Representaciones e Investigaciones Médicas, S.A. de C.V. v. Espinosa*, No. 655112/2016 (N.Y. Sup. Ct. filed Sept. 27, 2016))
- Represented a foreign central bank in a separation of powers challenge to a statute directing the outcome of a specific pending case (*Bank Markazi v. Peterson*, 136 S. Ct. 1310 (2016))
- Represented a foreign biotechnology company in a 13-day merits hearing in a confidential arbitration before the American Arbitration Association (2016)
- Represented a Chicago taxi medallion financing company in litigation against a bank over an \$80 million credit facility (*Transit Funding Assocs. LLC v. Capital One Equip. Fin. Corp.*, No. 652346/2015 (N.Y. Sup. Ct. filed June 30, 2015))
- Defense on appeal of a ruling that discovery is not available in *inter partes* reexaminations before the Patent and Trademark Office (*Abbott Labs. v. Cordis Corp.*, 710 F.3d 1318 (Fed. Cir. 2013))
- Appeal of an order denying comity to German law in cross-border insolvency proceedings (*Jaffe v. Samsung Elecs. Co., Ltd.*, 737 F.3d 14 (4th Cir. 2013))
- Obtained dismissal of Supreme Court review of a constitutional challenge to standing under the Real Estate Settlement Procedures Act (*First Am. Fin. Corp. v. Edwards*, 132 S. Ct. 2536 (2012))
- Defense on appeal of the denial of an injunction against foreclosure in a commercial property dispute (*Broadway 500 West Monroe Mezz II LLC v. Transwestern Mezzanine Realty Partners II, LLC*, 80 A.D.3d 483 (N.Y. App. Div. 1st Dep't 2011))
- Obtained Supreme Court review and reversal of an adverse judgment in service-station franchise litigation under the Petroleum Marketing Practices Act (*Mac's Shell Serv. v. Shell Oil Prods. Co.*, 130 S. Ct. 1251 (2010))
- Obtained Supreme Court review and reversal of a decision setting aside a provision of a New England wholesale energy market settlement (*NRG Power Mktg., LLC v. Maine Pub. Utils. Comm'n*, 130 S. Ct. 693 (2010))
- Defense in the Supreme Court of a constitutional challenge to the entity created by the Sarbanes-Oxley Act to oversee audits of public companies (*Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 130 S. Ct. 3138 (2010))



Robert K. Kry

Representative Matters, *continued*

- Appeal of a dismissal of a commercial suit on jurisdictional grounds (*CP Sols. PTE, Ltd. v. General Elec. Co.*, 553 F.3d 156 (2d Cir. 2009))
- Appeal of a copyright infringement judgment against a Remote Storage Digital Video Recorder (*Cartoon Network LP v. CSC Holdings, Inc.*, 536 F.3d 121 (2d Cir. 2008))
- Appeal of a billion-dollar securities fraud verdict (*Morgan Stanley & Co. v. Coleman (Parent) Holdings Inc.*, 955 So. 2d 1124 (Fla. App. 2007))

Recent Presentations

Artificial Intelligence and Electronic Discovery in U.S. Litigation, Union Internationale des Avocats Winter Seminar, Apr. 4, 2019

Recent Developments in Sovereign Immunity and Enforcement of Arbitral Awards Against Foreign Sovereigns, Commercial Litigators' Forum New York Committee, Sept. 25, 2018

Practical Strategies in the Arbitration of International Disputes Involving State-Owned Entities, Chartered Institute of Arbitrators, Apr. 3, 2018

Sovereign Immunity and Civil Terrorism Claims in U.S. Courts, Union Internationale des Avocats Winter Seminar, Feb. 28, 2018

Buyer Beware of Chinese Companies, Council of Institutional Investors, Feb. 1, 2018

Procedural Obstacles to Enforcement of Arbitral Awards in U.S. Courts, Union Internationale des Avocats Winter Seminar, Mar. 2, 2017

Recent Developments in Securities Class Action Litigation, Union Internationale des Avocats Winter Seminar, Mar. 9, 2016

Jurisdiction over Foreign Companies in United States Courts, Union Internationale des Avocats Winter Seminar, Feb. 25, 2015

The Foreign Sovereign Immunities Act – What's Next?, Knowledge Group, Oct. 22, 2014

Fundamentals of Copyright Law in the Data Era 2014, PLI, July 14, 2014

What Does *Aereo's* Supreme Court Death Sentence Mean for Internet Startups?, Congressional Internet Caucus, June 27, 2014

Aereo, Fordham Intellectual Property Law & Policy Conference, Apr. 25, 2014

Copyright Policy and the Future of Television, University of Colorado, May 13, 2014

Execution of Judgments Under the Foreign Sovereign Immunities Act, D.C. Bar, Mar. 31, 2014

Publications

Welcome Shores for Arbitral Awards?, Disps. Y.B. 2018 (May 17, 2018)

Asset Discovery Against Foreign Sovereigns After NML, NYSBA J. (Sept. 2014)

Navigating Overseas Discovery: Beware the Dangers of Foreign Law, Nat'l L.J. (May 20, 2014) (with Eric R. Nitz)

Local Jurisdiction over Foreign Companies, Executive Counsel (Feb./Mar. 2012) (with Martin V. Totaro)

Keeping the Company's Nose Clean After Matrixx, Executive Counsel (June/July 2011)

Confrontation at a Crossroads, 6 Charleston L. Rev. 49 (2011)

Mac's Shell and the Future of Constructive Termination, 30 Franchise L.J. 67 (2010)

Forfeiture and Cross-Examination, 13 Lewis & Clark L. Rev. 577 (2009)

Confrontation Under the Marian Statutes, 72 Brook. L. Rev. 493 (2007)

Case Note, *Once in Doubt*, 110 Yale L.J. 725 (2001)

Case Note, *The Copyright Law*, 111 Yale L.J. 761 (2001)

Op-ed, *Real Monopolists*, Investor's Bus. Daily (June 9, 2000)

The "Watchman for Truth": Professional Licensing and the First Amendment, 23 Seattle U. L. Rev. 885 (2000)



Robert K. Kry

Clerkships

Law clerk to the Honorable Antonin Scalia, United States Supreme Court

Law clerk to the Honorable Alex Kozinski, United States Court of Appeals for the Ninth Circuit

Education

Yale Law School, J.D.

Executive Editor, *Yale Law Journal*

Lead Article Editor, *Yale Journal on Regulation*

First place team, oralist, and brief, Morris Tyler Moot Court of Appeals

Co-chair, Morris Tyler Moot Court of Appeals

Queen's University, Canada, B. Comm.

Honors & Awards

500 Leading Lawyers in America, *Lawdragon*, 2019

Washington D.C. Super Lawyer, *Super Lawyers*, 2018

Washington D.C. Rising Star, *Super Lawyers*, 2013, 2014, and 2015

Professional Affiliations

Barrister, Edward Coke Appellate Inn of Court

Honorary Overseas Member, COMBAR



Steven F. Molo

Steven Molo, one of the country's leading courtroom advocates, is a founding partner of the national litigation boutique MoloLamken. He represents corporations, boards, funds, investors, inventors, and individuals in complex business litigation, white collar criminal and regulatory matters, and IP litigation. His client base is international.

Chambers and Partners calls him "fantastic in the courtroom"; a "fabulous courtroom litigator who lights up the room with his presence"; "very bright, imaginative, and creative in his approach to problems"; and "one of the most talented lawyers in the city." Benchmark Litigation – which named him one of the top 100 Trial Lawyers in America – calls him "an outstanding advocate and fearless in court." Legal 500 says he is "smart, creative, responsive, knowledgeable, and engaging; he has an excellent mix of traits that set him apart from his peers."

For the past eleven years he has been named to Lawdragon's list of the 500 Leading Lawyers in America. He has been recognized by Chambers USA, Super Lawyers (Top 100 Lawyers in New York), The Best Lawyers in America, Benchmark Litigation, Euromoney, and Legal 500, which includes him on its elite list of Leading Trial Lawyers, as well as other guides to the leaders of the legal profession. *ACQ Magazine* recently named him New York Litigation Lawyer of the Year.

Mr. Molo regularly tries civil and criminal cases before juries and judges throughout the country. He has extensive experience in post-trial and appellate advocacy as well.

He began his career as a prosecutor in Chicago, then practiced with Winston & Strawn, where he was a senior litigator and member of that firm's Executive Committee. He spent five and a half years as a litigation partner with the Wall Street firm Shearman & Sterling before founding MoloLamken in October 2009.

He has been involved in some of the most complex legal issues in U.S. courts over the past 20 years. Frequently, Mr. Molo and the firm are asked to work with other counsel in representing a client after a matter has been pending and the need for additional courtroom experience has become apparent.

He has represented many directors, CEOs, and other executives in a variety of sensitive matters.

The civil commercial matters he has handled include those involving issues of antitrust, breach of contract, fraud, shareholder rights, structured products and derivatives, insurance, RICO, mergers and acquisitions, real estate, insolvency and restructuring, defamation and privacy, securities, banking, and consumer fraud. His cases frequently involve class actions as well as individual suits. He has testified as an expert on New York commercial law in the High Court of Justice in London.

His criminal matters have included those involving issues of antitrust, mail, wire, bankruptcy, and securities fraud, health care fraud, insurance fraud, environmental crimes, obstruction of justice, tax fraud, and other complex crimes. He frequently conducts internal investigations for management, boards, and audit committees. He co-authored a leading treatise, *Corporate Internal Investigations*, and has been recognized as an expert in federal court where he has testified on that topic and corporate prosecutions.

Mr. Molo has also served as trial counsel in intellectual property matters including patent, trademark, trade dress, trade secret, and copyright cases.

He serves on the editorial advisory board of *Today's General Counsel* and speaks and writes extensively on the subjects of business litigation, corporate criminal liability, and trial and appellate advocacy. He has commented on legal topics for CNN, CNBC, *The Wall Street Journal*, *The New York Times*, the *Chicago Tribune* and other news media.

He has taught or lectured at Northwestern University Law School, Loyola University of Chicago Law School, John Marshall Law School, SMU Law School, William & Mary Law School, the University of Illinois College of Law, and the National Institute for Trial Advocacy. He is also co-author and general editor of *Your Witness: Lessons on Cross-Examination and Life from Great Chicago Trial Lawyers*. For five years, he served as counsel to the Illinois Judicial Inquiry Board. He is a fellow of the American Academy of Appellate Lawyers and the American Bar Foundation. He is also qualified to practice in England and Wales, on the Roll of Solicitors.



Steven F. Molo

Representative Matters

- Directors of a consumer products company in defending a challenge to a \$900 million dividend paid to a private equity investor
- An activist investor in a bench trial in Delaware bankruptcy court concerning equity rights
- Investors in residential mortgage-backed securities trusts in proceedings to determine the distribution of a \$9 billion settlement among various classes of bondholders
- The former Speaker of the New York Assembly in a federal criminal jury trial on charges of public corruption
- A prominent doctor in a federal criminal jury trial on charges of health care fraud
- Several former NFL players in objecting to the fairness of the class action settlement of the "Concussion Litigation"
- Several trustees and investors in residential mortgage-backed securities trusts in a series of suits to recover for the diminution in the value of the trust as a result of the conduct of the parties originating the mortgage loans
- The former CEO of a European auto manufacturer in connection with a DOJ investigation of U.S. environmental laws
- An activist investor in connection with a challenge to the corporate governance of one of the largest transportation companies in the United States
- An Israeli pharmaceutical manufacturer in prosecuting a \$4+ billion claim for fraud and breach of contract based on its acquisition of a Mexican company
- A publicly traded media company in litigation relating to a \$1.8 billion debt restructuring
- An investor seeking recovery of \$800 million in losses on a "holder claim" based on decline in stock value of one of the world's largest banks during the financial crisis
- A senior financial services executive in a federal criminal jury trial on charges of perjury and obstruction of justice
- A former CEO and private equity firm partner in obtaining dismissal of a federal indictment charging securities and bank fraud as well as obstruction of agency proceedings
- A Tokyo private equity firm in a dispute with the former employer of the firm's founders concerning competitive restrictions
- A developer of electric power plants in a trial in New York Supreme Court concerning theft of trade secrets
- A private equity firm in challenging an injunction limiting competitive activity of a portfolio company and its key executives
- An Asian government in litigation in the United States and United Kingdom relating to an arbitral award based on a dispute concerning the construction of a power plant and development of a mine
- Several groups in successfully challenging New York City's ban on super-sized sugary drinks
- Plaintiffs in a national consumer fraud class action based on a massive data breach
- A former pharmaceutical executive in prosecuting a whistleblower claim
- A former CEO of a publicly traded retailer in defending criminal securities fraud charges
- A former managing director of a leading investment bank in defending criminal securities fraud charges related to the sale of derivatives
- A private Silicon Valley technology company in a bench trial against one of the world's largest banks based on events arising from an M&A transaction
- A global consulting firm in investigating a senior executive's misconduct
- An institutional bond holder in a trial in Delaware bankruptcy court and defending tort and contract claims in New York Supreme Court arising from the purchase of \$250 million in second lien notes of a distressed media company
- A CEO of a leading financial services firm in a dispute with a former firm member concerning investments
- A private equity firm in a lawsuit over post-closing purchase price adjustments in connection with the sale of a portfolio company



Steven F. Molo

Representative Matters, *continued*

- Health care providers in a nationwide Sherman Act Section One class action against the dominant manufacturers and distributors of syringes and catheters
- A leading insurance company in investigating fraud by a major vendor and related civil litigation
- A Fortune 500 company in prosecuting a legal malpractice case against an Am Law 50 firm
- A senior executive of a Japanese manufacturing company in a price-fixing investigation conducted jointly by USDOJ and the JFTC
- A CDO management firm in connection with civil litigation and regulatory matters emanating from the global financial crisis
- Directors of a consumer products company in defending a \$900 million dividend distribution to an affiliate
- An inventor in prosecuting claims of patent infringement relating to real-time data technology
- An investment bank in obtaining judgment in its favor and the reversal of a \$1.6 billion jury verdict in a suit alleging fraud in connection with its role in a corporate acquisition
- A former Foreign Service Officer and West Point graduate in a federal criminal jury trial on charges of bribery and conspiracy to facilitate the issuance of visas in violation of State Department policies
- The former CFO of a publicly traded technology company in a federal criminal jury trial and regulatory and civil proceedings based on alleged securities and accounting fraud
- A major broker-dealer in a civil jury trial in which a hedge fund claimed fraud in the sale of collateralized mortgage obligations
- A hedge fund in a suit in the Delaware Chancery Court challenging a gate and proposed restructuring of another fund in which it invested
- An entertainment company in a lengthy arbitration involving allegations of 10b-5 violations and other claims following an acquisition
- The world's largest insurance broker in a civil jury trial concerning senior executive compensation
- A leading real estate developer and its lender in a bench trial relating to a dispute with a major tenant
- A lending syndicate in defending multi-billion dollar tort claims and in prosecuting a personal guaranty action against a prominent real estate developer (and reality TV show host) relating to financing of a 92-story building in Chicago
- Two non-U.S. financial institutions in connection with recovery actions and the defense of claims relating to Madoff
- The Illinois Senate relating to procedures for the impeachment trial of the Governor
- A non-U.S.-based insurance holding company in SEC and DOJ investigations into balance sheet fraud through finite reinsurance
- A New York real estate developer in investigating and reporting a Ponzi scheme fraud perpetrated by the client's former lawyer, the name partner of a prominent New York firm
- A senior mutual fund executive in an investigation by the SEC and New York Attorney General
- A midwest manufacturing company in an internal investigation and defense of an SEC investigation relating to insider trading
- A CEO in numerous shareholder and derivative actions, parallel SEC proceedings, and a trial before the bankruptcy court relating to allegations of fraud and breach of fiduciary duties following the discovery of accounting irregularities
- The nation's largest bar review course provider in a civil antitrust class action alleging a price-fixing and market allocation conspiracy and a separate civil antitrust class action alleging product tying
- A national insurance company in defending a federal grand jury investigation, state regulatory inquiries, consumer class actions, whistle-blower allegations, and media scrutiny emanating from claims handling practices following a major natural disaster
- A midwest manufacturing company in a DOJ grand jury investigation into price-fixing in the market for certain building supplies



Steven F. Molo

Representative Matters, *continued*

- A publicly traded insurance broker in multiple consumer class actions alleging civil antitrust and RICO violations, as well as Attorney General and insurance regulatory investigations
- A national retailer in attempted nationwide consumer fraud class actions in multiple forums and Attorney General investigations
- A national publisher and sweepstakes company in an appeal of a class certification order in an attempted consumer class action
- A group of mortgage lenders in an appeal of an order challenging certain lending restrictions
- A major broker-dealer in an appeal in litigation relating to sales practices that resulted in a challenge to certain whistleblower legislation
- A majority shareholder of a public company in shareholder derivative litigation relating to Revlon duties and change of control
- An investment advisor and mutual fund company in a derivative suit alleging breaches of fiduciary duty relating to fund management
- A global pharmaceutical manufacturer in a federal grand jury investigation and civil litigation emanating from a foreign subsidiary's falsification of information to the FDA
- An internet telephone services provider in patent infringement litigation relating to the company's core technology
- A food manufacturer in an ICC arbitration concerning a technology licensing dispute
- A holder of patents related to the manufacture of clothing in an ITC action to block importation of infringing products
- A gaming company in defending allegations of trademark and trade dress infringement in injunction proceedings in the trial court
- A manufacturer of batteries in pursuing copyright, trademark, and trade dress claims relating to a well-known advertising campaign

- A licensor of an agribusiness technology in patent infringement litigation
- A rock star in defending copyright infringement allegations in the trial court and court of appeals
- A major political party in a trial before a three-judge federal district court relating to voter rights and legislative reapportionment issues

Education

University of Illinois, College of Law, J.D.

University of Illinois, College of Communications, B.S.

Honors & Awards

Recognized by peer and client review for inclusion in *The Best Lawyers in America* (New York: commercial litigation, white collar defense, appeals), *Chambers USA*, *Super Lawyers* (Top 100 Lawyers in New York), *Euromoney's Guide to the World's Leading White Collar Crime Lawyers*, *Leading Attorneys* (business litigation, white collar criminal defense, antitrust, appeals), *Who's Who in America*, *Who's Who in the Law*, and *Who's Who in Business and Finance*

Named to the Lawdragon 500 Leading Lawyers in America, Benchmark Litigation Top 100 Trial Lawyers in America, and Legal 500 Leading Trial Lawyers

Professional Affiliations

American Inns of Court Foundation, Trustee

United States Supreme Court Historical Society, Trustee

New York Inn of Court, Member (Past Vice President, Executive Committee)

Federal Bar Foundation, Trustee

Illinois Supreme Court Rules Committee, Member (2004-2010)

Seventh Circuit Bar Association, Member (Past President)

Federal Bar Council, Member (Courts Committee)

Chicago Inn of Court, Member (Past President)



Steven F. Molo

Professional Affiliations, *continued*

American, Illinois, and Chicago Bar Associations, Member

American Bar Association, Trial Attorney Advisory Board, Member

American Bar Foundation, Life Fellow

Association of the Bar of the City of New York, Member

COMBAR, Honorary Member

Scribes, The Society of Legal Writers, Member

Economic Club of Chicago, Commercial Club of Chicago, Theodore Roosevelt Association, Member

University of Illinois College of Law Board of Visitors, Member

Books

Corporate Internal Investigations (Co-author)

Your Witness: Lessons on Cross-Examinations and Life (General Editor and Author)

Executive's Guide to Understanding the Laws Behind White Collar Crimes (Chapter Author)

Successful Partnering Between Inside and Outside Counsel (Chapter Author)

The Appellate Lawyer's Manual

The Executive's Desk Book on Corporate Risks and Response for Homeland Security (Chapter Author)

The Litigation Manual, 2nd ed.

Recent Articles

The Justices' Divergent Views on Class Action Tolling, Law360 (Mar. 30, 2018) (with Michelle Parthum)

Brady Summaries and the Obligation to Disclose Favorable Evidence, 13 Crim. Litig. 10 (2012) (with Lucas M. Walker)

Wrong, Maybe. But Is It a Crime?, Hedgeweek (Sept. 10, 2008)

Find a Career, Not a Job, N.Y.L.J. Mag. (May 2008)

To Fight or Not to Fight, N.J.L.J. (July 23, 2007)



Sarah J. Newman

Sarah Newman's practice focuses on appellate litigation as well as motions practice and issue analysis at the trial level. She represents both plaintiffs and defendants in the United States Supreme Court, the federal courts of appeals, federal district courts, and state courts. Ms. Newman's practice covers a wide variety of substantive areas, including constitutional law, intellectual property, securities fraud, criminal law, enforcement of arbitral awards, and business litigation.

Before joining MoloLamken, Ms. Newman served as a law clerk to Judge Stephen Higginson of the United States Court of Appeals for the Fifth Circuit and to Judge Edmond Chang of the United States District Court for the Northern District of Illinois.

Representative Matters

- Represented a foreign central bank in a separation of powers challenge to a statute directing the outcome of a specific pending case (*Bank Markazi v. Peterson*, 136 S. Ct. 1310 (2016))
- Represented a pharmaceutical company in a petition for a writ of certiorari challenging the Federal Circuit's written-description requirement under 35 U.S.C. § 112 (*Amgen Inc. v. Sanofi*, No. 18-127 (U.S.))
- Represented a pharmaceutical company in an appeal over whether the district court erred by invoking the "unclean hands" doctrine to nullify a \$200 million jury verdict (*Merck & Co. v. Gilead Scis., Inc.*, No. 18-378 (U.S.); *Gilead Scis., Inc. v. Merck & Co.*, 888 F.3d 1231 (Fed. Cir. 2018))
- Represented a plaintiff class in a petition for a writ of certiorari in a suit arising under the Price-Anderson Act and Colorado nuisance law (*Cook v. Dow Chem. Co.*, Nos. 15-791, 15-911 (U.S.))
- Representing a pharmaceutical company in an appeal involving a \$2.54 billion jury verdict in a patent dispute involving hepatitis C drugs (*Idenix Pharm. LLC v. Gilead Scis., Inc.*, No. 18-1691 (Fed. Cir.))
- Representing an individual as appointed pro bono counsel in an appeal challenging a conviction under 18 U.S.C. § 924(c) (*United States v. Mzembe*, Nos. 17-1060, 17-2269 (7th Cir., argued Apr. 5, 2018))
- Obtained summary judgment rulings and successfully defended judgment on appeal on behalf of a national moving company defeating claims in two putative class actions under the Motor Carrier Act (*Mervyn v. Atlas Van Lines, Inc.*, 882 F.3d 680 (7th Cir. 2018), *Mervyn v. Atlas Van Lines, Inc.*, No. 13 C 3587, 2017 WL 1437159 (N.D. Ill. Apr. 20, 2017), and *Mervyn v. Nelson Westerberg, Inc.*, No. 11 C 6594, 2016 WL 1270416 (N.D. Ill. Mar. 31, 2016))

- Obtained enforcement of an ICSID arbitral award against the Kyrgyz Republic for a Turkish construction company (*Sistem Mühendislik İnşaat Sanayi Ve Ticaret, A.Ş. v. Kyrgyz Republic*, 741 F. App'x 832 (2d Cir. 2018); *Sistem Mühendislik İnşaat Sanayi Ve Ticaret, A.Ş. v. Kyrgyz Republic*, No. 12 Civ. 4502, 2016 WL 5793399 (S.D.N.Y. Sept. 30, 2016))
- Obtained reversal of a judgment dismissing securities fraud claims against Alibaba Group arising out of its IPO (*Christine Asia Co. v. Ma*, 718 F. App'x 20 (2d Cir. 2017))
- Obtained vacatur of a default judgment imposed as a discovery sanction on a drone manufacturer in a patent infringement lawsuit (*Drone Techs., Inc. v. Parrot S.A.*, 838 F.3d 1283 (Fed. Cir. 2016))
- Briefed, argued, and obtained reversal of a judgment dismissing a Title VII sex discrimination and retaliation complaint (*Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014 (7th Cir. 2013))
- Representing a global financial institution in multiple RMBS "putback" suits in the Southern District of New York and New York Supreme Court

Clerkships

Law clerk to the Honorable Stephen Higginson, United States Court of Appeals for the Fifth Circuit

Law clerk to the Honorable Edmond Chang, United States District Court for the Northern District of Illinois

Education

Northwestern University School of Law, J.D., *magna cum laude*

Order of the Coif

Executive Editor, *Northwestern University Law Review*

Semifinalist and Best Brief, Julius H. Miner Moot Court Competition

Oberlin Shansi Fellow, Banda Aceh, Indonesia

Oberlin College, B.A.

Phi Beta Kappa



Caleb Hayes-Deats

Caleb Hayes-Deats's practice focuses on complex civil litigation, appellate litigation, and white-collar criminal matters and investigations. He has tried cases and argued motions in the Southern Districts of New York and Texas, and has briefed and argued appeals before the Second Circuit.

Before joining MoloLamken, Mr. Hayes-Deats was an Assistant United States Attorney in the U.S. Attorney's Office for the Southern District of New York. As an AUSA, Mr. Hayes-Deats successfully litigated high-profile civil fraud, tax, and Bank Secrecy Act cases involving some of the nation's largest financial institutions, such as Wells Fargo, AIG, and US Bank. In 2016, he was part of a team that, after a five-week mortgage-fraud trial, won the 18th largest jury verdict in the country, according to the *National Law Journal's* Top 100 Verdicts of 2016. Mr. Hayes-Deats also helped settle high-stakes cases, winning the Department of Justice's John Marshall Award for Alternative Dispute Resolution.

Mr. Hayes-Deats has taught Legal Practice Workshop I & II as a Lecturer in Law at Columbia Law School.

Before working as an AUSA, Mr. Hayes-Deats served as a law clerk to the Honorable Robert A. Katzmann of the United States Court of Appeals for the Second Circuit and to the Honorable Jed S. Rakoff of the United States District Court for the Southern District of New York.

Representative Matters

- Member of trial team that won a \$298.5 million mortgage fraud verdict after a five-week jury trial (*United States v. Americus Mortg. Corp.*, No. 12 Civ. 2676, 2017 WL 4117347 (S.D.N.Y. 2017))
- Member of team that settled mortgage fraud claims against Wells Fargo for \$1.2 billion (*United States v. Wells Fargo Bank, N.A.*, No. 12 Civ. 7527 (S.D.N.Y. 2015))
- Member of team that settled the first ever assessment by the Financial Crimes Enforcement Network against a financial institution's Chief Compliance Officer (*Treasury v. Haider*, No. 15 Civ. 1518 (D. Minn))
- Litigated a Title VII claim against the N.Y.C. Department of Education for a high school principal's systematic discrimination against all of the black teachers she supervised (*United States v. N.Y.C. Dep't of Educ.*, No. 16 Civ. 4291 (S.D.N.Y.))

Publications

Demonstrators' Right to Fair Warning, 13 FIRST AMEND. L. REV. 140 (2014)

Revisiting the Right to Fair Warning After *Garcia v. Does*, 14 FIRST AMEND. L. REV. 182 (2015)

Note, Talk That Isn't Cheap: Does the First Amendment Protect Credit Rating Agencies' Faulty Methodologies from Regulation?, 110 COLUM. L. REV. 1818 (2010)

Clerkships

Law clerk to the Honorable Robert A. Katzmann, United States Court of Appeals for the Second Circuit

Law clerk to the Honorable Jed S. Rakoff, United States District Court for the Southern District of New York

Education

Columbia Law School, J.D.

James Kent & Harlan Fiske Stone

Scholar Articles Editor, *Columbia Law Review*

University of Chicago, M.A.

Amherst College, B.A., *magna cum laude*

Honors & Awards

John Marshall Award for Alternative Dispute Resolution

Council of the Inspectors General on Integrity and Efficiency Award for Excellence